UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,056	03/14/2000	Katsumi Karasawa	35.C14345	7623

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EXAMINER
SHAND, ROBERTA A

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/525,056	KARASAWA, KATSUMI
	Examiner	Art Unit	
	Roberta A. Shand	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11 and 18-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1-11, 26, 29 and 32</u> is/are allowed.

6)☒ Claim(s) <u>18-25, 27, 28, 30, 31, 33 and 34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 18-25, 27, 28, 30, 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Davis (U.S. 5838678) in view of Ejiri (U.S. 6262990 B1) and further in view

of Sato (U.S. 6463060 B1).

3.   Regarding claim 18, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14)

an information processing apparatus comprising: generating means for generating variable-

length packets including encoded information (906); generating means (914) for generating and

transmitting fixed-length packet data from the variable length packets; and generating means for

generating clock reference information (col. 11, lines 4-10) for use in a time reference during

decoding.

4.   Davis does not teach the second generating means operates within a predetermined time

interval and transmits the second fixed length data regardless of the predetermined time interval

when there is no effective first fixed length packet data.

5.   Ejiri teaches (fig. 4) the second generating means operates within a predetermined time

interval and transmits the second fixed length data regardless of the predetermined time interval

(col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to

Davis's system to avoid collision or interference in the system.

6.   Davis and Ejiri do not teach transmitting the second packet if valid first packet data for

transmission is not present.

7.   Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next

packet being processed. It would have been obvious to one of ordinary skill in the art to adapt

this to Davis and Ejiri's system to avoid delay within the system

8.   Regarding claims 19 and 23, Davis teaches (col. 1, lines 21-44 and figure 9) the variable

length packet data is PES (906) conforming to ISO/IEC 13818-1, and the fixed length packet

data is TS (914) conforming to ISO/IEC 13818-1.

9.   Regarding claim 20, Davis teaches (col. 1, lines 21-44 and col. 11, lines 1-10) the clock

reference information is PCR conforming to ISO/IEC 13818-1.

10.   Regarding claim 24, Davis teaches (col. 1, lines 21-44 and col. 11, line 61-63) the

program specific information is PSI conforming to ISO/IEC 13818-1.

11.   Regarding claim 21 and 25, Davis teaches (col. 1, lines 21-44 and col. 9) the information

data is image data, and is encoded in conformity with ISO/IEC 13818-2

12.   Regarding claim 22, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14)

an information processing apparatus comprising: first generating means (904) for generating

variable length packet data including encoded information data; second generating means (914)

for generating and transmitting first fixed length packet data from the variable length packet data

generated by the first generating means; and generating means for generating program specific

information (col. 11, lines 61-67) indicative of a program specific of the first fixed length packet

data.

13.   Davis does not teach the second generating means operates within a predetermined time

interval and transmits the second fixed length data regardless of the predetermined time interval

when there is no effective first fixed length packet data.

14.   Ejiri teaches (fig. 4) the second generating means operates within a predetermined time

interval and transmits the second fixed length data regardless of the predetermined time interval

when there is no effective first fixed length packet data (col. 5, lines 23-67). . It would have

been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or

interference in the system.

15.   Davis and Ejiri do not teach transmitting the second packet if valid first packet data for

transmission is not present.

16.   Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next

packet being processed. It would have been obvious to one of ordinary skill in the art to adapt

this to Davis and Ejiri's system to avoid delay within the system

17.   Regarding claim 27, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) a information processing method comprising: generating variable length packets included encoded information data (906); generating and transmitting first fixed length packet data (video) from variable length data (914); and generating clock reference information for use in a time reference (col. 11, lines 4-10) during decoding of the encoded information.

18.   Davis does not teach the fixed length generating step includes a step of generating second fixed length packet data including the clock reference information and transmitting it within a predetermined time interval, and a step of compulsorily transmitting it when there is no effective first fixed length packet the second fixed length regardless of the predetermined time interval.

19.   Ejiri teaches (fig. 4) generating second fixed length packet data including the clock reference information and transmitting it within a predetermined time interval, and a step of compulsorily transmitting it when there is no effective first fixed length packet the second fixed length regardless of the predetermined time interval (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

20.   Davis and Ejiri do not teach transmitting the second packet if valid first packet data for transmission is not present.

21.   Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next packet being processed. It would have been obvious to one of ordinary skill in the art to adapt this to Davis and Ejiri's system to avoid delay within the system

22.   Regarding claim 28, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) a information processing method comprising: generating variable length packets included encoded information data (col. 9, lines 50-67); generating and transmitting first fixed length packet data (video) from variable length data (col. 10, lines 1-10); and generating program specific information (MPEG) indicative of a program specific of the first fixed length packet (col. 11, lines 61-67).

23.   Davis does not teach the fixed length generating step includes a step of generating second fixed length packet data including the program specific information and a step of transmitting it within a predetermined interval, and a step of compulsorily transmitting it regardless of the predetermined time interval when there is no effective first fixed length packet data.

24.   Ejiri teaches (fig. 4) generating second fixed length packet data including the program specific information and a step of transmitting it within a predetermined interval, and a step of compulsorily transmitting it regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

25.   Davis and Ejiri do not teach transmitting the second packet if valid first packet data for transmission is not present.

26.   Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next packet being processed. It would have been obvious to one of ordinary skill in the art to adapt this to Davis and Ejiri's system to avoid delay within the system

27.   Regarding claims 30 and 31, Davis teaches (column 10 and figure 9) a storage medium

for storing information processing program and read by a computer.

28.   Regarding claim 33, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14)

an information processing apparatus comprising: generating portion for generating variable-

length packets including encoded information (906); generating portion (914) for generating and

transmitting fixed-length packet data from the variable length packets; and generating portion for

generating clock reference information (col. 11, lines 4-10) for use in a time reference during

decoding.

29.   Davis does not teach the second generating portion operates within a predetermined time

interval and transmits the second fixed length data regardless of the predetermined time interval

when there is no effective first fixed length packet data.

30.   Ejiri teaches (fig. 4) the second generating portion operates within a predetermined time

interval and transmits the second fixed length data regardless of the predetermined time interval

when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been

obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or

interference in the system.

31.   Davis and Ejiri do not teach transmitting the second packet if valid first packet data for

transmission is not present.

32.   Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next

packet being processed. It would have been obvious to one of ordinary skill in the art to adapt

this to Davis and Ejiri's system to avoid delay within the system

33.   Regarding claim 34, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14)

an information processing apparatus comprising: first generating portion (904) for generating

variable length packet data including encoded information data; second generating portion (914)

for generating and transmitting first fixed length packet data from the variable length packet data

generated by the first generating portion; and generating portion for generating program specific

information (col. 11, lines 61-67) indicative of a program specific of the first fixed length packet

data.

34.   Davis does not teach the second generating portion operates within a predetermined time

interval and transmits the second fixed length data regardless of the predetermined time interval

when there is no effective first fixed length packet data.

35.   Ejiri teaches (fig. 4) the second generating portion operates within a predetermined time

interval and transmits the second fixed length data regardless of the predetermined time interval

when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been

obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or

interference in the system.

36.   Davis and Ejiri do not teach transmitting the second packet if valid first packet data for

transmission is not present.

37.   Sato teaches (col. 5, lines 16-32) invalid packets not being transmitted and the next

packet being processed. It would have been obvious to one of ordinary skill in the art to adapt

this to Davis and Ejiri's system to avoid delay within the system

Response to Arguments

38.   Applicant's arguments with respect to claims 18-25, 27, 28, 30, 31, 33 and 34 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

39.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

40.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

41.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161.

The examiner can normally be reached on M-F 9:00am-5:30pm.

42.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

43.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens
Examiner
Art Unit 2665

CHI PHAM
SUPERVISORY PATENT EXAMINER
9/18/56